

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE FREE CONFERENCE COMMITTEE

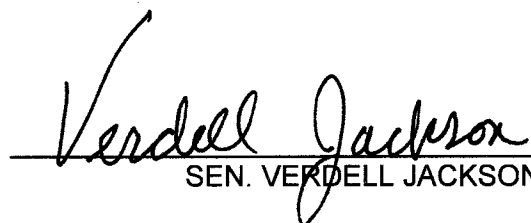
Date: Tuesday, April 19, 2011
Place: Capitol

Time: 9:00 A.M.
Room: 335

BILLS and RESOLUTIONS HEARD:

EXECUTIVE ACTION TAKEN:

HB 621 - Revise aquatic invasive species laws and provide appropriation


SEN. VERDELL JACKSON, Chair

MONTANA STATE SENATE

ROLL CALL

Free **CONFERENCE COMMITTEE**

Date: 4-19-11 (HB) SB No. 621

NAME	PRESENT	ABSENT/ EXCUSED
Sen. Jackson	✓	
Sen. Zinke	✓	
Sen. Wangenried	✓	
Rep. Ankney	✓	
Rep. Cuffe	✓	
Rep. Hollenbaugh	✓	

Staff: Gilda Clancy

Secretary: Hope Stockwell
Barbara Smith
Todd Everts



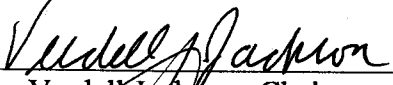
FREE CONFERENCE COMMITTEE
on House Bill 621
Report No. 001, April 20, 2011


Page 1 of 6

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 621** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

For the Senate:

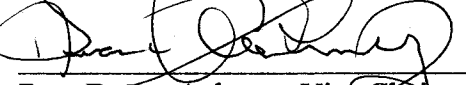

Sen. Verdel Jackson Chair



Sen. Ryan Zinke

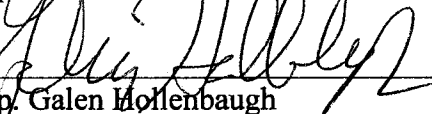

Sen. David Wanzonried


Amendment Coordinator

For the House:


Rep. Duane Ankney Vice Chair


Rep. Mike Cuffe


Rep. Galen Hollenbaugh

And, recommend that **House Bill 621** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.

Following: "CONSERVATION;"

Insert: "ELIMINATING THE COORDINATING AUTHORITY; AUTHORIZING THE
USE OF QUARANTINE MEASURES IN AN INVASIVE SPECIES MANAGEMENT
AREA;"

2. Title, page 1, line 11.

Following: "~~80-7-814,~~"

Insert: "80-7-1002,"

ADOPT
REJECT

Amendment # HB 621-001

HB0621001FC.sdr



3. Title, page 1, line 12.

Following: "~~80-7-1005,~~"

Insert: "80-7-1005,"

Strike: the first "AND"

Following: "80-7-1007,"

Insert: "80-7-1008, AND 80-7-1011,"

4. Page 3.

Following: line 3

Insert: "**Section 1.** Section 80-7-1002, MCA, is amended to read:

"80-7-1002. Legislative findings and purpose. (1) The legislature finds that:

(a) invasive species can wreak damage on the economy, environment, recreational opportunities, and human health in Montana;

(b) there is reason to be concerned about the further introduction, importation, and infestation of Eurasian watermilfoil (*Myriophyllum spicatum*) and the introduction, importation, and infestation of additional invasive species ~~not yet present~~ in Montana, such as the zebra mussel (*Dreissena polymorpha*) and the quagga mussel (*Dreissena bugensis*), that could cause catastrophic damage to not only our waterways, rivers, and lakes, our water storage, delivery, and irrigation systems, our hydroelectric power structures and systems, and our aquatic ecosystems, but also to the entire state economy;

(c) as infestations of threatening invasive species move ever closer to Montana's borders, protecting Montana against these species is of utmost importance to the state economy, environment, recreational opportunities, and human health for the benefit of all Montanans;

(d) preventing the introduction, importation, and infestation of invasive species is the most effective and least costly strategy for combating invasive species that, once established, are often difficult to control or eradicate;

(e) the use of check stations, at which ~~the exterior of~~ vessels and trailers transporting vessels may be inspected for the presence of invasive species and cleaned if an invasive species is detected, is an effective way to prevent the introduction, importation, and infestation of invasive species that are easily transferred from infested areas to uninfested areas when proper precautions are not taken; and

(f) preventing the introduction, importation, and infestation of invasive species is best accomplished through coordinated educational and management activities.

(2) The purpose of this part is to establish a mechanism for Montana to take concerted action to detect, control, and manage invasive species, including preventing further introduction, importation, and infestation, by educating the public about the threat of these species, coordinating public and private efforts and expertise to combat these species, and authorizing the use of check stations to prevent the intrastate

movement of invasive species from infested areas to uninfested areas to protect the state's economy, environment, recreational opportunities, and human health for the benefit of all Montanans.""

Renumber: subsequent sections

5. Page 3, line 13.

Strike: ", "

Insert: "or"

6. Page 3, line 14.

Strike: ", or for the entire state"

7. Page 3.

Following: line 29

Insert: "Section 3. Section 80-7-1005, MCA, is amended to read:

"80-7-1005. Cooperative agreement for invasive species detection and control. (1) In order to implement, administer, and accomplish the purposes of this part, the departments, collectively or individually, shall enter into a cooperative agreement with each other or may enter into an agreement with any person with the appropriate expertise and administrative capacity to perform the obligations of the agreement.

(2) Prior to entering an agreement with a person other than a department, the departments shall work in collaboration with each other to coordinate their respective responsibilities in order to further the purposes of this part.

(3) A cooperative agreement may include provisions for funding to implement the agreement.

~~(4) The overall coordinating authority is the department of agriculture."~~

Renumber: subsequent sections

8. Page 4, line 1 through line 22.

Strike: section 2 in its entirety

Insert: "Section 4. Section 80-7-1006, MCA, is amended to read:

"80-7-1006. Departmental responsibilities. (1) The departments shall prepare a list of invasive species and identify those departments and other public agencies with jurisdiction over each species on the list. The jurisdiction of each department for the prevention and control of invasive species is according to the department's powers and duties as established by law.

(2) For those invasive species under the jurisdiction of more than one department, the departments with jurisdiction, through cooperative agreement, shall seek to clarify and coordinate their respective responsibilities.

(3) Working in collaboration with each other, the departments, individually or collectively, shall develop and adopt an invasive species strategic plan or plans to accomplish the purposes of this part. The plan or plans shall identify and

prioritize threats and determine appropriate actions, in the following order of priority, related to:

(a) public awareness and education;
(b) prevention and detection of invasive species, including the use of invasive species management areas authorized under 80-7-1008;

(c) management, control, and restoration of infested areas; and

(d) emergency response.

(4) The departments may enforce quarantine regulations and measures imposed by law or rule in an invasive species management area, including the mandatory inspection of any interior portion of a vessel that may contain water for the presence of an invasive species.

~~(4)~~ (5) The departments shall implement education and outreach programs that increase public knowledge and understanding of prevention, early detection, and control of invasive species."

Renumber: subsequent sections

9. Page 5, line 1.

Following: "pertaining to"

Insert: ":

(a) the use of quarantine regulations and measures;

(b) "

Following: "area"

Insert: ";

Following: the first "and"

Insert: "(c)"

10. Page 5, line 1 through line 2.

Strike: "the exterior" on line 1 through "of" on line 2

11. Page 5.

Following: line 5

Insert: "Section 6. Section 80-7-1008, MCA, is amended to read:

"80-7-1008. Invasive species management area -- authorization. (1) When an invasive species is identified as infesting or threatening an area, the department with jurisdiction over that invasive species may designate and administer an invasive species management area for a specific area of land, or for a body or bodies of water, ~~or for the entire state~~ for a specific or indeterminate amount of time to prevent and control the infestation or spread of that invasive species.

(2) To the extent practicable, prior to the designation of an invasive species management area, the department making the designation shall coordinate with all of the departments in order to further the purposes of this part.

(3) The designation of an invasive species management area must specify:

(a) the invasive species present or considered threatening;

and

(b) ~~(i) subject to subsection (3)(b)(ii), the method or methods for preventing the introduction of the species or controlling or eradicating the species, including regulations pertaining to:~~

(i) the use of quarantine measures;

(ii) the movement of vessels within, to, and from the area;
and

(iii) whether check stations will be used to inspect and clean the exterior of vessels moving within, to, or from the area. A department may conduct mandatory inspections of any interior portion of a vessel that may contain water only if the department has included the use of mandatory inspections as part of quarantine measures established pursuant to subsection (3)(b)(i).

~~(ii) If the invasive species management area encompasses the entire state, departmental authority to prescribe requirements for cleaning and inspecting the exterior of vessels traveling within the state is limited to those vessels required to stop at a check station pursuant to 80-7-1011(3)(b).~~

(4) As far as practical, signs indicating that an invasive species management area is in place must be posted in an effective manner at access points to the designated area and along the boundaries and within the area. The signs must include information about the specific regulations that apply to the area. The signs must be paid for with funds from the invasive species account established in 80-7-1004. The departments may coordinate with any other governmental entity for the posting of signs."

Insert: "Section 7. Section 80-7-1011, MCA, is amended to read:

"80-7-1011. Check stations. (1) The departments shall establish a check station within or adjacent to an invasive species management area to prevent the introduction, importation, infestation, and spread of the invasive species for which the designation was issued.

(2) At a check station, the departments may examine ~~the exterior of vessels and trailers transporting vessels~~ for the presence of an invasive species and compliance with regulations imposed under 80-7-1008(3)(b) and with this section. A department may examine any interior portion of a vessel that may contain water, including bilges, livewells, and bait containers, for compliance only if inspection of interior portions is included as part of quarantine measures established pursuant to 80-7-1008(3)(b)(i).

~~(3) (a) Except as provided in subsection (3)(b), the~~ The owner, operator, or person in possession of a vessel shall stop at any check station unless a medical emergency makes stopping likely to result in death or serious bodily injury.

~~(b) If a check station is established under regulations pertaining to a statewide invasive species management area, a stop at that check station is required only for a vehicle transporting a vessel, excluding vessels that have never been~~

~~used.~~

(4) If during an inspection of ~~the exterior of a vessel or a trailer transporting a vessel~~ the presence of an invasive species is detected ~~upon the exterior of the vessel~~, that vessel ~~or trailer~~ may not leave the check station until it is cleaned and decontaminated in a manner established in accordance with 80-7-1008(3)(b)."

Renumber: subsequent sections

12. Page 5, line 17.

Strike: "\$58,000"

Insert: "\$558,000"

- END -

MONTANA STATE SENATE

ROLL CALL VOTE

FREE CONFERENCE COMMITTEE

Date: 4-19-11 (HB)/SB No. 621

NAME	AYE	NO
Sen. JACKSON	✓	
Sen. ZINKE	✓	
Sen. WANZENRIED	✓	
Rep. ANKNEY	✓	
Rep. CUFFE	✓	
Rep. HOLLENBAUGH	✓	

Vote by chamber:

Senate: Aye 3 No

House: Aye 3 No

MONTANA STATE SENATE

ROLL CALL VOTE

**FREE CONFERENCE
COMMITTEE**Date: 4-19-11 HB/SB No. 621

NAME	AYE	NO
Sen. JACKSON	✓	
Sen. ZINKE	✓	
Sen. WANZENRIED	✓	
Rep. ANKNEY	✓	
Rep. CUFFE	✓	
Rep. HOLLENBAUGH	✓	

Vote by chamber:

Senate: Aye 3 No House: Aye 3 No

MONTANA STATE SENATE

VISITOR REGISTER

CONFERENCE/FREE CONFERENCE COMMITTEE
on SB/HB # 621

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Name	Representing	Support	Oppose	Info
ISFF TIBERI	MAED	X		
Ray Beale	DNRE	X		
Bob Gilbert	W. U. of MT	X AS amended		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.